

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRIANNA VOGELE,

Plaintiff,

vs.

FRANK BISIGNANO, Commissioner of Social  
Security;

Defendant.

8:25CV45

**ORDER**

This matter is before the Court on Defendant’s Unopposed Motion to Reverse and Remand pursuant to Sentence Four of 42 U.S.C. § 405(g). ([Filing No. 13](#).) Defendant asks the Court to reverse and remand this case to allow for further proceedings pursuant to sentence four of [42 U.S.C. § 405\(g\)](#) and [Melkonyan v. Sullivan, 501 U.S. 89 \(1991\)](#). Defendant represents that on remand, the administrative law judge will offer Plaintiff the opportunity for a hearing and issue a new decision. Plaintiff does not oppose the motion.<sup>1</sup>

Sentence four of § 405(g) provides, “The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” [42 U.S.C. § 405\(g\)](#). The Eighth Circuit Court of Appeals has explained, “The exclusive methods for district courts to remand to the Commissioner are in sentences four and six of 42 U.S.C. § 405(g).” [Travis v. Astrue, 477 F.3d 1037, 1039 \(8th Cir. 2007\)](#) (citation omitted). The difference between

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<sup>1</sup> Defendant stated in her brief that Frank Bisignano became the Commissioner of Social Security on May 6, 2025, and that pursuant to Federal Rule of Civil Procedure 25(d), Frank Bisignano should be substituted as the defendant in this suit. While this is accurate, Defendant shall file a separate motion requesting this relief in the future.

the two kinds of remand is that “[r]emand under sentence four terminates the court's jurisdiction, while remand under sentence six does not.” Id. at 1039-40. Under sentence six, “the district court does not affirm, modify, or reverse the Secretary's decision; it does not rule in any way as to the correctness of the administrative determination.” Melkonyan, 501 U.S. at 98.

Here, Defendant requests that the Court reverse and remand pursuant to sentence four of 42 U.S.C. §405(g). (Filing No. 15.) In the supporting brief, Defendant also requests that the Court enter a separate judgment ending this case pursuant to Fed. R. Civ. P. 58 to start the running of the time for any EAJA fee application and any appeal. This request will be granted.

Accordingly,

**IT IS ORDERED:**

1. Defendant’s Unopposed Motion to Reverse and Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) (Filing No. 13) is granted.
2. Defendant’s decision is reversed, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g).
3. The Clerk of Court shall modify the docket sheet in this case to reflect that Frank Bisignano, Commissioner of Social Security, is now the defendant in this suit.
3. A separate judgment will be entered as requested.

Dated this 27th day of May, 2025.

BY THE COURT:

A handwritten signature in black ink that reads "Susan M. Bazis". The signature is written in a cursive, flowing style.

Susan M. Bazis  
United States District Judge